

**NINTH DAY**

(Thursday, January 29, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Bradshaw	Moffett
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Herring	Rogers
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Absent—Excused**

Baker	Moore
Fuller	Secrest
Hazlewood	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leaves of Absence**

Senator Secrest was granted leave of absence for today on account of important business on motion of Senator Herring.

Senator Fuller was granted leave of absence for today on account of important business on motion of Senator Parkhouse.

Senator Baker was granted leave of absence for today on account of important business on motion of Senator Phillips.

Senator Hazlewood was granted leave of absence for today on account of important business on motion of Senator Kazen.

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Wood.

**Message from the House**

Hall of the House of Representatives  
Austin, Texas,  
January 29, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 9, Requesting Congress to oppose increase in Federal gasoline tax.

H. C. R. No. 16, Inviting Senator Hubert R. Hudson to address a Joint Session.

H. C. R. No. 14, Congratulating Judge Boal for his outstanding service to the people of DeWitt County and the State of Texas.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**Reports of Standing Committees**

Senator Roberts submitted the following report:

Austin, Texas,  
January 28, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to whom was referred S. B. No. 23, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ROBERTS, Chairman.

Senator Hudson submitted the following report:

Austin, Texas,  
January 29, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Military and Veteran's Affairs, to whom was referred S. B. No. 7, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HUDSON, Chairman.

**Senate Bills on First Reading**

The following bills were introduced, read first time and referred to the Committee indicated:

By Senators Aikin and Kazen:

S. B. No. 62, A bill to be entitled "An Act authorizing a pre-school instructional program for non-english speaking children, providing for instructional units, providing for financing, requiring Central Education Agency to develop program and establish certification standards for teachers in such program, providing a severability or savings clause, and declaring an emergency."

To the Committee on Education.

By Senator Bradshaw:

S. B. No. 63, A bill to be entitled "An Act providing for a certificate, signed by a practitioner of the healing arts, in lieu of requiring vaccination or inoculation for admission to public schools and state-supported institutions of higher learning; and providing exemption on religious objections; providing for personal liability and penalties; and declaring an emergency."

To the Committee on Public Health.

By Senator Roberts:

S. B. No. 64, A bill to be entitled "An Act amending Section 8 of Chapter 245, Acts of the 51st Legislature, Regular Session, 1949 (Section 8 of Article 5221a-6, Vernon's Texas Civil Statutes), relating to fees which Private Employment Agents or Agencies may charge applicants for employment; and declaring an emergency."

To the Committee on State Affairs.

By Senator Dies:

S. B. No. 65, A bill to be entitled "An Act providing for the liberalization of the rules of civil procedure with respect to cases submitted upon special issues; authorizing the submission of interrogatories calling for conclusions of law under certain restrictions; eliminating the necessity of placing the burden of proof by the language employed in each interrogatory; providing a saving clause; repealing all laws in conflict; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Smith:

S. B. No. 66, A bill to be entitled "An Act requiring all meetings of all boards, commissions, committees of the Legislature, and all other agencies of the State, City, County, or other political subdivision of the State to be open, with certain exceptions; making it unlawful to hold or participate in a closed meeting; defining an offense; prescribing a penalty; providing invalidation of actions taken in closed meeting; providing for removal of officers from office; containing a severability clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Smith:

S. B. No. 67, A bill to be entitled "An Act constituting a local law for the further maintenance of public highways, by authorizing the Commissioners Court of Gaines County to expend proceeds of road bonds heretofore and hereafter voted by said county for the purpose of providing for drainage of state highway rights-of-way and adjacent lands where such drainage is made necessary by the construction, widening or improvement of such highways; enacting other provisions relating to the subject; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Smith:

S. B. No. 68, A bill to be entitled "An Act amending Section 1 of Chapter 52, Acts of the 41st Legislature, 1st Called Session, 1929, compiled as Section 1 of Article 1525 b, Vernon's Annotated Penal Code, so as to authorize the Livestock Sanitary Commission to adopt and issue rules and regulations for the control and eradication of infectious, contagious and communicable diseases of livestock and domestic fowls; and declaring an emergency."

To the Committee on Agriculture and Livestock.

By Senator Owen:

S. B. No. 69, A bill to be entitled "An Act relating to the firemen and policemen pension fund in certain cities; amending Chapter 101, Acts of the 43rd Legislature, First Called Session, 1933, as amended by adding

a new section thereto; and declaring an emergency."

To the Committee on Counties, Cities and Towns

By Senator Owen:

S. B. No. 70, A bill to be entitled "An Act creating a County Court at Law for Ector County, Texas, and making other provisions relative thereto; repealing all laws or parts of laws in conflict herewith; providing for severability; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Owen:

S. B. No. 71, A bill to be entitled "An Act creating an additional district court in Ector County, Texas, to be known as the 161st Judicial District; providing the terms and jurisdiction of said court; providing for the appointment and election of the district judge for said court; prescribing the powers, duties, term of office and compensation of the judge of said court; providing for the appointment of an official court reporter for said court; prescribing the qualifications, duties, and compensation of the official court reporter of said court; providing for the appointment, designation and compensation of the other officers of said court; providing all process, writs, recognizances and bonds heretofore issued, made, executed or returnable to existing terms of the district courts in Ector County, Texas, are valid and returnable to the first term of the district court provided herein, as assigned to the respective court after this Act takes effect; making other provisions relative to the business and functioning of the district courts of Ector County, Texas; providing a severability clause; and declaring an emergency."

To the Committee on Legislative, Congressional and Judicial Districts.

By Senator Wood:

S. B. No. 72, A bill to be entitled "An Act amending Chapter Seven, Articles 119, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133 and 135, and Repealing Articles 120 and 134 of the Revised Civil Statutes of Texas, 1925, dealing with inspection of Nurseries, Florists, Florists items, Nursery stocks, Nursery products, cut flowers, and allied products;

defining duties of Commissioner of Agriculture in connection therewith; providing for abatement of nuisance; giving of notice; providing treatment or destruction; right of appeal; penalty for violation; expense of treatment; examination and issuance of certificate; use of certificate in connection with sale or shipment; who may revoke certificate; liability as to transportation companies and unlawful shipments; provides for appointment of Chief Inspector, and establishment, collection and distribution of fee; definitions; providing a savings clause; and declaring an emergency."

To the Committee on Agriculture and Livestock.

By Senator Willis:

S. B. No. 73, A bill to be entitled "An Act amending Section 4 of Chapter 95, Acts of the Fifty-first Legislature, Regular Session, 1949, as amended (Section 4 of Article 4590c, Vernon's Texas Civil Statutes), relating to organization, officers and compensation of the Texas Board of Examiners in the Basic Sciences; and declaring an emergency."

To the Committee on Public Health.

By Senator Willis:

S. B. No. 74, A bill to be entitled "An Act amending Section 5 of Chapter 95, Acts of the 51st Legislature, Regular Session, 1949, as amended (Section 5 of Article 4590c, Vernon's Texas Civil Statutes), relating to fees payable to the State Board of Examiners in the Basic Sciences by applicants for certificates issued by the Board; and declaring an emergency."

To the Committee on Public Health.

By Senator Hardeman:

S. B. No. 75, A bill to be entitled "An Act to amend Article 6066 of the Revised Civil Statutes of Texas of 1925; and declaring an emergency."

To the Committee on State Affairs.

By Senator Hardeman:

S. B. No. 76, A bill to be entitled "An Act to amend Article 6065 of the Revised Civil Statutes of Texas of 1925; and declaring an emergency."

To the Committee on State Affairs.

**Resolutions Signed**

The President signed in the presence of the Senate, after the captions had been read, the following enrolled resolutions:

S. C. R. No. 7, Designating March 2-6, 1959, as Public Schools Week in Texas.

S. C. R. No. 8, Authorizing Enrolling Clerk to make certain corrections in H. B. No. 1.

**Senate Resolution 35**

Senator Willis offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate from Mansfield, Tarrant County, Texas, Mayor Roland Turck, D. E. McBride, Jim Parsley, Ed Baker Sr., Ed Baker, Jr., Lloyd Green, and Katherine Peterson; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Willis by unanimous consent presented Miss Peterson to the Members of the Senate.

**House Concurrent Resolution 16 on Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 16, Inviting Senator Hubert R. Hudson to address a Joint Session of the Legislature.

The resolution was read.

On motion of Senator Roberts and by unanimous consent the resolution was considered immediately and was adopted.

**House Concurrent Resolution 14 on Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 14, Congratulating Judge Boal for outstanding service to DeWitt County and the State of Texas.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

**Senate Bill 23 Ordered Not Printed**

On motion of Senator Roberts and by unanimous consent S. B. No. 23 was ordered not printed.

**Adjournment**

On motion of Senator Hardeman the Senate at 10:55 o'clock a.m. adjourned until 10:30 o'clock a.m. Monday, February 2, 1959.

**Record of Votes**

Senators Krueger, Ratliff, Bradshaw and Phillips asked to be recorded as voting "Nay" on the motion to adjourn.

*In Memory of*

**Hal Coffman**

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Senator Willis offered the following resolution:

(Senate Resolution 32)

Whereas, On the Thirty-First Day of August, in the Year of Our Lord, Nineteen Hundred Fifty-eight, Almighty God in His Infinite Wisdom saw fit to call Hal Coffman to his Eternal Reward; and

Whereas, Mr. Coffman was famous throughout the United States for his cartoons which appeared in the Fort Worth Star-Telegram. He had the rare art of being able to portray in a cartoon, deep human emotions, significant international events, catastrophic calamities, moments of great joy and other facts and ideas which would take writers pages to describe; and

Whereas, His genius was matched by his personal kindness and love of his fellow man. He was considerate of his family, fellow workers and readers, and spent much time in helping others. He would go out of his way to send an original copy of one of his most famous cartoons to any person who requested same. He was a good and great man, and an inspiration and credit to his profession; now, therefore, be it

Resolved, That a page in the Senate Journal be set aside in memory of Hal Coffman; and that when the Senate adjourns today it do so in his honor and memory; and, be it further

Resolved, That a copy of this resolution be sent to the members of his family with the deepest sympathy of the Senate of Texas.

The resolution was read and was adopted by a rising vote of the Senate.

**In Memory of**  
**William L. McGill**

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Senator Herring offered the following resolution:

(Senate Resolution 33)

Whereas, In the passing of William L. McGill, on the fifth day of January, 1959, the State of Texas lost one of its most outstanding and valuable citizens; and

Whereas, He was a prominent alumnus of the University of Texas, having served as President of the Ex-Students Association in 1929-30, and was a member of the group which organized the colorful annual Roundup at the University, and because of his devotion to his Alma Mater, a Memorial Scholarship Fund has been set up in his honor; and

Whereas, His talents covered many phases of endeavor; he was a teacher and newsman and served on the Executive staffs of Governors W. Lee O'Daniel, Coke Stevenson, Beauford Jester, Allan Shivers and Price Daniel and until his death had served for many years as Civil Defense Director for the State of Texas and was coordinator of Civil Defense and Disaster Relief in Texas for the past seventeen years; and

Whereas, During World War II, William McGill was director of personnel for the Red Cross in the Mediterranean Theater for two years; and

Whereas, In recognition of his tremendous contribution to the State of Texas as Civil Defense Director, he was awarded the Air Defense Command Distinguished Achievement Award; and

Whereas, William McGill was a fine Christian gentleman who was greatly beloved by his many friends and held the admiration and respect of all who were privileged to know him; and

Whereas, It is the desire of the Senate of the Fifty-Sixth Legislature of the State of Texas to pay tribute to this dedicated public servant, now therefore, be it

Resolved, That when the Senate adjourns today it do so in his memory and that a page in the permanent Senate Journal be devoted to the recording of this resolution; and be it, further

Resolved, That an enrolled copy of this resolution be sent to his mother, Mrs. Neta McGill of Austin, as a token of respect and sympathy.

**HERRING**  
**AIKIN**

Signed—Ben Ramsey, Lieutenant Governor; Baker, Bradshaw, Colson, Crump, Dies, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Kazen and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

**In Memory of**  
**Raphael Wehby**

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Senator Herring offered the following resolution:

(Senate Resolution 34)

Whereas, In the passing of Raphael Wehby, on the sixteenth day of January, 1959, the people of Williamson County suffered a great loss, and the host of friends, associates and all who were privileged to know Raphael Wehby mourn his passing; and

Whereas, Raphael Wehby was an adopted son of these United States, having been born in Lebanon in 1884, and entered this country in 1904; and

Whereas, He settled in Williamson County in 1923 and until his retirement eleven years ago was a prominent merchant, an outstanding civic leader in the community and a devoted member of St. Mary's Catholic Church; and

Whereas, Raphael Wehby was a fine gentleman whose life was exemplary of the courage, wisdom and faith that shows itself in service to others; and

Whereas, He is survived by his widow, Mrs. Marie Wehby; one daughter, Ann Wehby, of Taylor; two sons, John Wehby of Taylor, and Joseph Wehby of Dallas; two grandchildren, Bret Wehby and Keith Wehby of Dallas; and one brother, Joseph Wehby of San Antonio; and

Whereas, It is the desire of the Senate of the Fifty-sixth Legislature of the State of Texas to pay tribute to this worthy citizen; now therefore, be it

Resolved, That when the Senate adjourns today it do so in his memory and that a page in the permanent Senate Journal be devoted to the recording of this resolution; and be it, further

Resolved, That an enrolled copy of this resolution be sent to all the surviving members of the family as a token of respect and sympathy.

The resolution was read and was adopted by a rising vote of the Senate.